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Susan Bysiewicz
SECRETARY OF THE STATE
CONNECTICUT

August 27, 2010

Mr. Daniel F. Caruso, Esq., Chairman
Connecticut Siting Council
Ten Franklin Square
New Britain, Connecticut 06051

Dear Chairman Caruso and Members of the Connecticut Siting Council:

I am writing on behalf of some residents of Middletown and Portland, Connecticut to urge you to apply stricter standards as you consider the extension of Kleen Energy Systems LLC's Certificate of Environmental Compatibility and Public Need beyond November 21, 2010. Specifically, we ask that you adopt and implement, as necessary, the directives to be issued by the Thomas Commission and that if at all possible you apply these directives as part of your review of Kleen Energy Systems LLC's extension request. In light of the many public safety concerns and violations highlighted in the Kleen Energy Plant Investigation Review Panel report and the federal OSHA investigation and report, that would be the prudent course of action to ensure public safety. Lastly, the victims and residents affected should be compensated by Kleen Energy Systems LLC as soon as possible.

The consequences of the Kleen Energy power plant explosion on February 7 were devastating: loss of six human lives, life threatening injuries to over thirty people, grief to families and friends, serious risks to public safety, damage to and decline in value of many homes, and anxiety and fear caused by uncertainty and distrust. I had the honor of knowing Ron Crabb and Ray Dobratz, two of the victims, both wonderful family men and outstanding leaders in their communities. I saw their families at the memorial service and cannot begin to tell you how painful this loss has been to them and their friends and neighbors.

As you know, the Kleen Energy Plant Investigation Review Panel released its report (Nevas Report) on June 3, 2010 which makes several recommendations to guide the work of a Second Panel also convened by Governor Rell. This second panel--the Thomas Commission--has begun its work and will be expected to submit final directives for the future construction and oversight of power plants in the state. One of the most important areas the Thomas Commission will address is the need for a regulatory scheme to address a serious deficiency, namely the fact that no federal or state agency has oversight with regard to the process known as "cleaning" or "blowing" of the natural gas pipeline, a necessary step in the construction of any natural gas-fueled power plant. The Thomas Commission is expected to look into existing federal and other state regulatory structures that may be adopted by Connecticut. It may very well recommend that the Siting Council impose strict safety conditions and issue binding regulations upon any entity constructing a power plant in the state that will employ the "gas blowing" cleaning process. If so, these would become relevant in your review of the Kleen Energy Systems LLC certificate extension request.

While, in its extension request, Kleen Energy Systems LLC states that "O&G [Industries Inc., the primary contractor for the power plant project] has committed to conducting gas blows at the project by utilizing materials other than natural gas," there are other significant issues at stake.

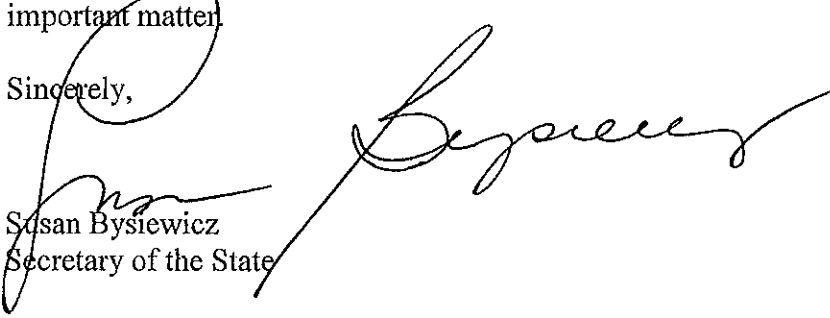
First, the Federal OSHA has issued a report with thirty citations, most of them for serious violations, against seventeen companies involved in the Kleen Energy Power Plant construction project. These citations follow several others that the federal agency has issued in the past against Kleen Energy Systems LLC. In response to as many as 371 workplace violations, OSHA has imposed fines in the amount of \$16.6 million dollars. Hence, it is imperative that Kleen Energy Systems LLC adopt the necessary safety measures and procedures as required by the OSHA. Full compliance with these federal regulations should be taken into account as the Siting Council considers the extension of the Kleen Energy Systems power plant certificate in Connecticut.

In addition, a class action suit against Kleen Energy Systems LLC has been filed by thirty-five residents who suffered significant damage to their homes and loss of property value as a result of the explosion. Several lawsuits have also been filed against Kleen Energy Systems LLC by families of the victims and employees injured in the explosion. Compensation to victims and homeowners should be made as soon as possible; and this should also be taken into account in your review of this matter.

The safety and well-being of the Kleen Energy Power Plant employees and residents of Middletown and Portland should be our foremost concern. We owe it to the six men who lost their lives and their families to ensure that no other such tragedy occurs again in our state. Therefore, I strongly urge the Connecticut Siting Council to do its part by ensuring that all safety measures are followed by Kleen Energy Systems LLC including all relevant directives issued by the Thomas Commission while you review the extension request.

Please feel free to call me at (860) 509-6200 if you wish to speak to me about this important matter.

Sincerely,



Susan Bysiewicz
Secretary of the State

- cc. The Honorable Susan Bransfield, First Selectwoman of Portland
- The Honorable Sebastian Giuliano, Mayor of Middletown
- ✓ The Honorable James M. Thomas, Commissioner, Department of Public Safety